APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/624,353	07/22/2003	Sascha Baumeister	DE920020019US1	7584

30206 7590 02/22/2007	EXAMINER
IBM CORPORATION ROCHESTER IP LAW DEPT. 917 3605 HIGHWAY 52 NORTH ROCHESTER, MN 55901-7829	CHRISTENSEN, SCOTT B

	ART UNIT	PAPER NUMBER
	2144	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	02/22/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

	Application No.	Applicant(s)
Office Action Summary	10/624,353	BAUMEISTER ET AL.
	Examiner	Art Unit	
	Scott Christensen	2144	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on _22 July 2003_.

2a) ☐ This action is **FINAL**.   2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) _1-17_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) _1-17_ is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☒ The drawing(s) filed on _22 July 2003_ is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☒ All   b) ☐ Some *   c) ☐ None of:

      1. ☒ Certified copies of the priority documents have been received.

      2. ☐ Certified copies of the priority documents have been received in Application No. _____.

      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application

6) ☒ Other: _See Continuation Sheet_.

Continuation of Attachment(s) 6). Other: "References" (Specification Pages 15-17)..

DETAILED ACTION

1.   This Office Action is in regards to the most recent papers filed on 7/22/2003.

Information Disclosure Statement

2.   The listing of references in the specification is not a proper information disclosure

statement. 37 CFR 1.98(b) requires a list of all patents, publications, or other

information submitted for consideration by the Office, and MPEP § 609.04(a) states,

"the list may not be incorporated into the specification but must be submitted in a

separate paper." In this case, examiner has considered the references noted on the

enclosed the pages of the specifications with the references initialed. In cases where

the references are not initialed and/or enclosed, the reference has not been considered.

Claim Rejections - 35 USC § 102

3.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by
> another filed in the United States before the invention by the applicant for patent or (2) a patent
> granted on an application for patent by another filed in the United States before the invention by the
> applicant for patent, except that an international application filed under the treaty defined in section
> 351(a) shall have the effects for purposes of this subsection of an application filed in the United States
> only if the international application designated the United States and was published under Article 21(2)
> of such treaty in the English language.

4.   Claims 1-4, 6-14, and 16-17 are rejected under 35 U.S.C. 102(e) as being

anticipated by US Patent Application Publication number US 2003/0236912 A1 to

Klemets et al., hereafter referred to as "Klemets."

With regards to claim 1, Klemets discloses a method for streaming a media file over a distributed information system to a client computer running a browser application, the method comprising the steps of: receiving a request for a particular media file from a client computer (Klemets: Paragraph [0016]); providing a metafile, whereby said metafile contains information about the identification (Klemets: Paragraph [0038]. The "Title" field is information about the identification.), location (Klemets: Paragraphs [0012] and [0041]. The metadata includes a stream attribute identifying a media stream, where a media stream identifier has a one to one relationship with a URL, which means that the stream attribute constitutes location information.), and format (Klemets: Paragraph [0035]. The metadata can be the encoded bit rate and the language, both of which constitute format.) of the media file, returning said metafile back to said client computer (Klemets: Paragraph [0039]), characterized in that the step of receiving a request for a particular media file from a client computer further comprises the steps of: intercepting a download request for the actual media file (Klemets: Figure 1. The media server intercepts the request from the client, and serves the media file from the file system to the client.) and reinterpreting said download request in a request for receiving a corresponding metafile (Klemets: Paragraph [0033]. As a result of the server receiving a request for a media file, the server requests metadata items from the file system and/or encoder. As the server is requesting items in addition to the one that the client requested, the request has been "reinterpreted" into a request for the media file and the metadata.).

With regards to claim 2, Klemets discloses that the step of reinterpreting said download request includes the step of deriving information about said corresponding metafile from a portion of the URL (Klemets: Paragraph [0031]. The URL determines the media file being requested, meaning that it is utilized, at least in part, to obtain the metadata.).

With regards to claim 3, Klemets discloses that the portion of the URL is the file extension of the requested media file (Klemets: Paragraph [0056]. The system of Klemets assigns attributes based in part if the format is ASF, which is the file extension as per paragraph [0031]).

With regards to claim 4, Klemets discloses that the step of providing a metafile comprises the steps of: dynamically generating a metafile (Klemets: Paragraph [0038]), and statically querying a metafile (Klemets: Paragraph [0038]. As the metadata items may be obtained from a separate file, the file is "queried" for the information.).

With regards to claim 6, Klemets discloses that the step pf providing a metafile further includes the step of retrieving information about the configuration of at least one item chosen from the group comprising: version of the streaming product, type of the streaming product, location of the media file, load of the servers, load of the network, location of the client, quality of service (Klemets: Paragraphs [0049], [0074], [0075]. The items in the list are broad, as information about the version of the streaming product could constitute the file name, which is included in Klemets. The type of the streaming product can constitute any number of elements, some examples being found in the cited paragraphs. Also, to meet the claim language, any configuration information

meets the language, as the group **comprises** version, type, location, load of the

servers, load of the networks, location of the client, and quality of service. The open-

ended language does not exclude the configuration information from being an element

not on the list.).

With regards to claim 7, Klemets discloses that the step of providing a metafile

further includes reading information about the client's preferred streaming format and

forming a metafile in accordance with the client's preference (Klemets: Paragraph

[0044]. The client is able to select different parameters involved with the streaming

media file, including whether the file will be played as just audio, or as audio and video.

As the metafile is able to be generated based on the client's request, these factors

would be at least read and used somehow to generate the metafile.).

With regards to claims 8-14 and 16-17, the claimed subject matter is substantially

similar to the subject matter found in claims 1-4 and 6-7, and is rejected for substantially

similar reasons.

Claim Rejections - 35 USC § 103

5.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

6.   Claims 5 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Klemets over knowledge possessed by a person of ordinary skill in the art.

With regards to claim 5, Klemets discloses the invention as substantially claimed (see above for claim 1 rejected under Klemets) except checking predefined filter criteria determining of whether or not a metafile is to be returned instead of the requested media file.

A person of ordinary skill in the art would have known how to perform this functionality. If the metafile is returned, the media file is to be streamed. If the media file is returned, then the media file is being downloaded rather than being streamed. The predefined filter can simply be the determination of what kind of request is being presented from the client.

It would have been obvious at the time of the invention to give the client a choice to download the media file or stream the media file, as represented by providing the metafile, in the system of Klemets.

The suggestion/motivation for doing so would have been that different system configurations and network configurations has a preference for downloading or streaming. In cases where memory is limited, streaming may be preferred. In cases where bandwidth is limited, downloading may be preferred, as the connection speed may not be able to support the streamed media, while a download would allow the user to access the media at an acceptable quality at a later time. Even if bandwidth is not limited, downloading may still be preferable as the client would have its own copy of the media file, allowing the client to access the file as often as desired without requiring a connection. Allowing a choice to be made based on the request, and providing a filter that determines whether the request should be responded to with metadata to allow

streaming or the media file itself allows the client to optimize access to the file based on network conditions, the client's configuration, and the user's preferences.

With regards to claim 15, the claim is substantially similar to claim 5, and is rejected for substantially similar reasons.

Conclusion

7.   The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

In "Object-Based Transcoding for Adaptable Video Content Deliver," published in IEEE, Transactions on Circuits and Systems for Video Technology Vol. 11, No. 3, March 2001, Anthony Vetro, Huifang Sun, and Yao Wang disclose a framework for video content deliver where meta-data is presented to the client that shows network conditions, video attributes, and other information on the video file for the client to use to stream the video.
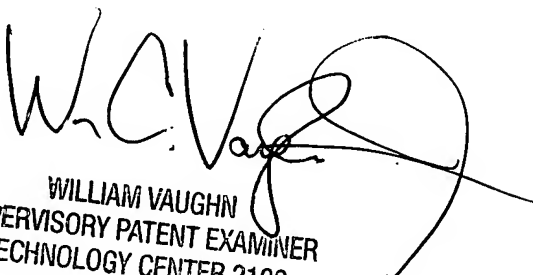
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Scott Christensen whose telephone number is (571) 270-1144. The examiner can normally be reached on Monday through Thursday 6:30AM - 4:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vaughn William can be reached on (571) 272-3922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

SBC

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